

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of November 24, 2009

Members Present: Priscilla Remington, Gary Frenz, Curt Castner, Dan Smith, Cheryl Erickson, Alternates: James Steen and Thad Smith

Members Absent: None

Others Present: Counsel to Boards Mike Hill, Zoning Administrator Gary McMeekin, Tow Board Member Bob Olson, Planning Board Members Harry Balz and Doug Paton.

Guests Present: Tom Johansen, Jack and Denise Rifenburg Donald Ford Jr, Jim and Marie Farrell, Carl & Linda Koehler, Chris Bedall, Beth Hicks, Sal Renda Edward Kowalewski Jr.

Pledge

File #2009-17AV Tax Map 55.-1-10.2 Metzger, Ellen and John 62 Counter Point Road Brant Lake. Letter received from Matthew Fuller, Esq. Dated October 31, 2009 stating that the applicant is withdrawing the application at this time and may re-apply at a later date.

Priscilla Remington stated that Alternate Jim Steen will be a voting member at this meeting stepping in for Curt Castner as Curt is present but is having difficulty hearing the discussions, applicants and board members.

Regular Meeting Called to order Dan Smith made a motion to approve the October 2009 minutes, 2nd by Cheryl Erickson. All Ayes.

NEW BUSINESS:

File # 2009-31 AV Tax Map 38.20-1-9.1 Thomas Monaco seeking an area variance to build a 24' x 24' garage with 2nd story apartment (Guest Cottage). A 276 square foot density variance is needed as the guest cottage exceed 50% square footage of the main house. The project is located on 9 Horicon Birches Road Brant Lake. The applicant is being represented by Bedell Builders. Chris Bedell stated that the applicants do not have enough room for guests and the guest cottage would be more square footage than the main building, would mainly be a garage with three bedrooms upstairs along with a water closet, no kitchen, no heat, no insulation, the garage would not be visible from the shore and meets all of the required setbacks. After a brief discussion, Gary Frenz made a motion to deem the application complete and schedule a public hearing, 2nd by Priscilla Remington. All Ayes.

PUBLIC HEARINGS:

File # 2009-21 AV Tax Map 55.10-1-11 Sandra and Michael Raymond seeking a 43' shoreline setback variance and a 2' side yard setback variance to build a carriage house on parcel located at 12 Sand Beach Point Rd. Brant Lake. The applicant is being represented by Doug Paton. Being no comments or questions Cheryl Erickson made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes.

File # 2009-25 AV Tax Map 55.10-1-22 Golden Pond/Farrell seeking a fifty foot (50') shoreline setback variance to build a three thousand two hundred ninety eight square foot (3,298) two (2) story home with walk-out basement on parcel located at 686 Palisades Road Brant Lake. Jim Farrell was present to answer questions. Dan Smith stated that the board does not have a plot plan showing the footprint of the revised structure requesting that the amended plan show the requested variances. Gary McMeekin stated that Jim Hutchins is revising the septic system. Lengthy discussions ensued regarding the placement of the home on the parcel and the setbacks along with septic field and well locations. Gary Frenz

PUBLIC HEARINGS: (con't)

stated that Warren County Planning Board reviewed this project and would like the Town Planning Board to review and recommend to the board regarding the Storm water management and the effects on the adjoining property owners distributing photos to the board. Dan Smith agreed that the Planning Board could offer input on the number of large homes being built on the lake and any long term planning ideas. Priscilla Remington asked if anyone in the audience had any questions, Elizabeth Hicks asked about the new plan and how far from the neighbors the house would be. Gary McMeekin stated that the applicant is requesting the house sit 9' from the side-yard. Discussion ensued regarding the separation from the well to the septic, the height of the building and how the height is calculated. Dan Smith agreed that the application be referred to the Town Planning Board for storm water management and the size of home on the lot, requesting a revised plot plan, a storm water plan. Dan Smith then made a motion to table the public hearing requesting 1) revised plot plan showing new home with setbacks 2) Storm water plan, requesting that the Planning Board be forwarded this information and referring this to the Town Planning Board for their recommendation, 2nd by Cheryl Erickson. All Ayes.

File #2009-27 AV Tax Map 39.17-1-10 Stanley Rusak seeking a 11' roadway setback variance and a 35' shoreline setback variance to build a 10' x 14' storage shed on parcel located at 78-9 State Rte 8 Brant Lake. Priscilla Remington asked if anyone had any comments or questions. Being no comments or questions, Gary Frenz made a motion to close the public hearing, 2nd by Cheryl Erickson. All Ayes. After further discussion during the unfinished portion of the meeting, regarding the need for further information, Gary Frenz made a motion to re-open the public hearing, 2nd by Dan Smith. All Ayes.

File #2009-28 AV Tax Map 20.10-1-51 Linda Koehler seeking a 20' shoreline setback variance to build a 12' 6" x 18' three season room on parcel located on 21A Jay Court Adirondack. Carl Koehler stated that sketches of the project are attached showing the setbacks from the river on the left side of the house continuing to state that they may put a foundation under the three season room but this would not change the footprint of the project. Priscilla Remington asked if anyone had any comments or questions. Being no further comments or questions, Cheryl Erickson made a motion to close the public hearing, 2nd by Dan Smith. All Ayes.

File #2009-29 AV Tax Map 71.12-1-27 William McCarthy seeking a 18' 7" roadway setback variance and a 3' side yard setback variance and a 1' side yard setback variance to build a deck on parcel located at 237 Palisades Road Brant Lake. The applicant is being represented by Kevin Stonitsch, contractor. Kevin Stonitsch explained the project. Priscilla Remington questioned the representative as to the screen porch that is shown on a photo dated 2001. Kevin Stonitsch stated that the old screen porch has been converted to living space stated that he is not aware of when the change occurred and was not employed by the applicant at that time. Priscilla Remington asked if anyone had any comments or questions. Being no further comments or questions, Priscilla Remington made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes

UNFINISHED BUSINESS:

File # 2009-21 AV Tax Map 55.10-1-11 Sandra and Michael Raymond seeking a 43' shoreline setback variance and a 2' side yard setback variance to build a carriage house on parcel located at 12 Sand Beach Point Rd. Brant Lake. The applicant is being represented by Doug Paton. Dan Smith stated that the placement of the carriage house will have minimal impact on the neighbors and the lake traffic, this would be a minimal change in the area and is not undesirable and fits in the character of the neighborhood with no crowding impact. Cheryl Erickson stated that the project has not received any objections from the neighbors. Priscilla Remington reiterated that there would be a bathroom sink and toilet would be hooked up to the existing septic system. Lengthy discussion ensued regarding the elevation to the lake, upstairs uses as storage, property dates of purchase and zoning district change along with the nature of the property surrounded by water. Gary McMeekin explained that when the zoning changes went into effect the shoreline setback requirement went from 75' to 100'. Cheryl Erickson made a motion to approve the requested variances because there is no undesirable change to the character of the neighborhood or detriment to nearby owners as this will have a minimal impact on the neighbors due to topography and slope, the benefits sought be the applicant cannot be achieved by other means as there is no other place on the parcel that this structure could sit without a shoreline variance, the requested variances and small to moderate but modest due to the nature of the property, there will be no adverse physical or environmental effects and this was not self created. 2nd by Jim Steen. All Ayes.

UNFINISHED BUSINESS: (con't)

File #2009-28 AV Tax Map 20.10-1-51 Linda Koehler seeking a 20' shoreline setback variance to build a 12' 6" x 18' three season room on parcel located on 21A Jay Court Adirondack. Gary Frenz stated that there is no feasible alternative for the applicant, there would be no change in the neighborhood and this is a moderate request but is self created as the home was purchased as is. Cheryl Erickson stated that a smaller room would not be functional, it will not be heated, there would be no impact on the physical or environmental conditions and minimum footprint impact. Dan Smith stated that this is not a bedroom or bathroom. Lengthy discussion ensued regarding self created criteria, adverse effects on the environment after which Gary Frenz made a motion to approve the variance as the benefit sought be the applicant can not be achieved by other means as 20' is the minimum needed for a viable porch, there will be no undesirable change to the character of the neighborhood or to nearby properties, the request is not substantial: less than 50%, there are no wetlands on the parcel, adding that this is self created as the property was purchased as is but this does not have any bearing on the project, 2nd by Cheryl Erickson. All Ayes.

File #2009-29 AV Tax Map 71.12-1-27 William McCarthy seeking a 18' 7" roadway setback variance and a 3' side yard setback variance and a 1' side yard setback variance to build a deck on parcel located at 237 Palisades Road Brant Lake. The applicant is being represented by Kevin Stonitsch, contractor. Dan Smith stated that this project is self created as the owner had a screened porch on the home and converted it to living area and now wants a deck on the front of the house. Gary Frenz stated that due to the shape of the parcel the benefits sought by the applicant cannot be achieved by any other means. Dan Smith stated that other properties on have decks/porches. Cheryl Erickson stated that this request is self created but cannot be achieved by other means and is a modest deck 8' wide. Dan Smith made a motion to approve the 12' 7" roadway setback variance, the 3' and 1' side yard setback variances as the benefit sought can not be achieved by other means as this is a lakefront open air sitting area and is a minimum size deck, there would be no undesirable change to the character of the neighborhood as this is a small deck and porch area, the requested variance is not substantial, the request will not have a adverse physical or environmental effect, and the variance is self created as the home originally had a porch that was turned into living space but due to the needs of a growing family made it part of the home, 2nd by Gary Frenz. Discussion ensued regarding placing a condition on the parcel that this deck not be converted to living space. Dan Smith stated that any future expansion from deck/porch to living space would require that the owner apply for a variance, stated that he wishes the motion to stand as stated. 2nd by Gary Frenz. All Ayes.

File #2009-27 AV Tax Map 39.17-1-10 Stanley Rusak seeking a 11' roadway setback variance and a 35' shoreline setback variance to build a 10' x 14' storage shed on parcel located at 78-9 State Rte 8 Brant Lake. Dan Smith stated that storage of gas cans, motors etc. in a garage attached to a house is a potential fire hazard. Gary Frenz stated that this house is on a small lot. Discussion ensued regarding the placement of the shed on another part of the property, reviewing the diagram submitted by the applicant and photos in the file. Dan Smith stated that the shed size is minimal, only 10' x 14' and would be the modest in size to store mowers, etc. Gary McMeekin stated that if the applicant moves the shed a variance would still be required. Dan Smith stated that if the shed was moved to the other side of the house there would more of a visual impact then at the proposed location and the property slopes down on the opposite side of the house. After a brief discussion, Priscilla Remington made a motion to table this application so that a true plot plan can be submitted showing the new home on the lot. Gary Frenz made a motion to re-open the public hearing requesting the applicant submit a plot plan showing the new house on the property and reasons why the shed could not be placed on the other side of the house, 2nd by Dan Smith. All Ayes.

File #2009-13AV Tax Map 72.5-1-6 Paul and Randi Nolan seeking a four hundred (400)square foot dock surface variance and a one hundred sixty foot (160') dock length variance to construct a one hundred foot (100') by four foot (4') wetlands walkway with attached one hundred foot (100') by four foot (4') floating dock on parcel located at 339 Palisades Rd. The applicant is being represented by Erin Hayes. Letter dated November 24, 2009 from Erin Hayes, Esq. requesting that the application be table for an additional month stating that the applicant obtain substitute counsel on this matter.

UNFINISHED BUSINESS: (con't)

File # 2009-22 AV Tax Map 72.13-1-17 John Rifenburg seeking a fifty foot (50') shoreline setback variance, a seven foot six inch (7'6") dock length variance, a ten foot (10)' side-yard setback variance, a 240 square foot (240) dock surface variance, a one foot (1') dock width variance and a twelve foot (12') dock width variance to build a boathouse/dock/deck on parcel located at **32 Brant Lake Estates Loop**. Discussion ensued regarding the variance requests: The size of the structure has been reduced but the square footage of the dock surface as increased due to the plans previously submitted were not to scale and office was unable to correctly calculate square footage of dock surface area. Lengthy discussion ensued with Sal Renda, architect regarding the square footage of the dock and what is considered dock vs boathouse, the total square footage of the boathouse, dock definition, need for walkway outside of boathouse, percentages of variance requests, sizes of boats and need for the number of boats to dock at structure, dredging plan. Cheryl Erickson asked if the boathouse could be reduced more, i.e. eliminating the dock area around the boathouse would reduce the dock surface area to 394 square feet which would reduce the need for the dock surface area variance. Sal Renda stated that the crib sizes needed would not allow for that reduction. John Rifenburg stated that he wants the neighbors to stop by and say hello adding that he wants the docks and dock space there. Cheryl Erickson asked John Rifenburg as to the number of boats he would want. Sal Renda stated that this is pared down as much as possible. Lengthy discussions ensued again regarding the definition of a boathouse, an alternative stairway, dock surface area, cribs after which Cheryl Erickson made a motion to table this application, re-advertise the legal notice and re-opening the public hearing listing all variances needed due to the miscalculation of square footage of dock surface area and re-notice the adjoining owners, 2nd by Priscilla Remington, All Ayes. Priscilla Remington stated that this application would be tabled until the December 22, 2009 meeting and there will be a public hearing.

BOARD PRIVILEGE:

Dan Smith stated he has a list of boathouses in Horicon with square footage amounts. Cheryl Erickson stated that this would be pertinent information as to the character of the lake. Gary Frenz stated that boathouses do not have docks the side of them and are built into the shore.

There being no further business before the board, Chair Priscilla Remington adjourned the meeting at 10:50PM

Respectfully Submitted.
Christine Smith-Hayes, Secretary